Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of	)	
	)	
Performance Measurements and	)	
Reporting Requirements	)	CC Docket No. 98-56
for Operations Support Systems,	)	RM 9101
Interconnection, and Operator	)	
Services and Directory	)	
Assistance		

AT&T Reply

Mark C. Rosenblum
Leonard J. Cali
Richard H. Rubin

Its Attorneys

Room 3252I3
295 North Maple Avenue
Basking Ridge, NJ 07920
(908) 221-4481

July 6, 1998

TABLE OF CONTENTS

Summary

The comments refute the ILECs' claim that the Commission lacks jurisdiction to issue binding national rules on the critical subject of performance measurements. Moreover, the comments support AT&T's showing that national rules are needed now. Thus, the Commission should modify its tentative conclusion to adopt only non-binding guidelines and promulgate binding national rules.

There is remarkable consensus on the performance measurements themselves. AT&T and the CLECs have identified only a few areas where the measurements should be expanded, particularly in the area of billing accuracy and measures for unbundled network elements. With only a handful of exceptions, even large ILEC commenters generally endorse the Commission's proposals. Thus, there should be little problem for the Commission to identify the performance measurements that should be uniformly applied.

The comments demonstrate, however, that additional disaggregation is necessary to assure that the performance measurements will provide an accurate assessment of the ILECs' performance. Predictably, the ILECs seek to limit their obligations in this regard. These efforts should be rejected, because they would mask real discrimination, allow real consumer harm to go undetected and hinder the development of effective competition.

Valid comparisons of the ILECs' performance for themselves and CLECs cannot be made without appropriate ILEC performance analogs. Such analogs are especially critical to track ILECs' performance for unbundled network elements ("UNEs"). It is important to note in this regard that some RBOCs have already agreed to use ILEC retail analogs in comparing their performance for certain UNEs.

The comments show there is substantial agreement that statistical tools should be used to assure that ILEC performance reports are reliable, and several ILEC commenters agree that AT&T's proposed methodology is appropriate. Any statistical methodology, however, must be sure to strike a careful balance between the two types of known statistical error.

Finally, there is no basis for ILEC claims that performance reports do not need to be issued monthly or include results for all ILEC affiliates. These are key aspects of the performance measurement process that should not be changed.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
Performance Measurements and	)	
Reporting Requirements	)	CC Docket No. 98-56
for Operations Support Systems,	)	RM 9101
Interconnection, and Operator	)	
Services and Directory	)	
Assistance	)	

AT&T Reply

AT&T Corp. ("AT&T") submits the following reply to the comments filed in response to the Commission's Notice of Proposed Rulemaking released April 17, 1998 (FCC 98-72) ("Notice").

I. The Commission Has Clear Authority To Issue Binding National Rules, And It Should Issue Such Rules Promptly.

Numerous commenters support AT&T's view that FCC has authority to issue binding national rules.[1] AT&T's comments (pp. 8-13) show that the Eighth Circuit affirmed the Commission's authority to define UNEs and to issue rules regarding access to UNEs, including OSS. Thus, rules such as those proposed here, which reasonably interpret the statutory nondiscrimination and "just and reasonable"

---

[1] E.g., Allegiance, pp. 5-7; ALTS, p. 2; CompTel, pp. 10-12; GST, pp. 2-4; LCI, pp. 7-8; TRA, pp. 6-8.

requirements, are well within the authority affirmed by the Eighth Circuit.

The comments also show that such rules are needed now. The Notice itself (¶ 14) recognizes "the current gap in everyone's knowledge" regarding the ILECs' performance in these critical areas.[2] Even more important, the current lack of effective competition in local markets is due in no small measure to the fact that CLECs simply do not have parity access to ILEC OSSs, which are essential to serve customers.[3]

Further, the comments demonstrate that the adoption of mere "model guidelines" could be both counterproductive and costly, requiring CLECs to re-litigate issues time and again in state proceedings, without any assurance that such a process would produce a complete and adequate set of requirements. WorldCom (p. 4) correctly states that "[a] single set of national rules would eliminate the potential for this problem." Moreover, it (id., p. 5) notes that such

---

[2] AT&T, p. 13.

[3] AT&T, pp. 4-5. See also KMC/RCN p. 1 ("[t]he lack of nondiscriminatory access to the OSS functions of incumbent local exchange carriers (LECs) represents the foremost barrier to competition among local service providers today;" Sprint, p. 2 ("a major stumbling block to date has been the lack of access to ILEC OSS on a basis that will enable Sprint, either as a reseller of ILEC service or a purchaser of unbundled network elements, to offer competing services on a high quality basis"); CompTel, p. 7.

an approach would reduce the strain on state regulatory resources and prevent incumbents from "attempt[ing] to water down the version of the rules adopted by each state."[4] In addition, adoption of binding national rules, as AT&T and others[5] suggest, resolves any procedural issues regarding the Commission's tentative conclusion to issue only non-binding guidelines.[6]

Moreover, given the fact that not a single ILEC has yet demonstrated that it provides fully nondiscriminatory and just and reasonable access to its OSS, the adoption of binding national rules is clearly necessary at this time, and is not "excessive regulation."[7] This also clearly rebuts USTA's (pp. 4-5) unsupported assertion that "there is no evidence in the record that private negotiations between parties and state commission arbitration and mediation proceedings are not working."

---

[4] AT&T (pp.13-14) noted that several states have done an excellent job of beginning the process to develop performance measurements. The unfortunate fact remains, however, that most states have not even begun such efforts, and that even in the states where progress has been made it has come slowly and at significant cost. Moreover, only national rules will facilitate the development of uniform measures.

[5] E.g., MCI, p. 4-6; Sprint, p. 3; WorldCom, pp. 3-6.

[6] See Ameritech, p. 11; USTA, p. 17.

[7] USTA, p. 5.

Predictably, only ILECs challenge the Commission's authority to issue binding national rules.[8] However, contrary to Ameritech's (p. 8) assertion, it is not "far-reaching jurisdictional license" for the Commission to set parameters for determining whether the statutory commandments of nondiscrimination and just and reasonable terms and conditions are met.

In particular, performance measurement and reporting rules will not, as Ameritech (p. 9) claims, merely be used for "monitoring and enforcing . . . contractual obligations."[9] The requirements of nondiscriminatory and just and reasonable access to network elements and resale services are statutory requirements embedded directly into the terms of Sections 251(c)(3) and (4) and incorporated both directly and by reference into Section 271.[10]

---

[8] E.g., USTA, pp. 2-3; BellSouth, p. 5; Alltel, p. 2; CBT, p. 2.

[9] See also BellSouth, p. 3, U S WEST, p. 4.

[10] Section 271(c)(2)(B)(ii) explicitly requires BOCs to provide "nondiscriminatory access to network elements," and also specifically references "the requirements of section 251(c)(3)." In addition, Section 271(c)(2)(B)(xiv) directly references Section 251(c)(4), which in turn requires nondiscrimination and just and reasonable terms and conditions for resale services. This express statutory language directly rebuts Ameritech's assertion (p. 11) that the Commission lacks authority under Section 271 to assure that BOCs have complied with these requirements. See also CompTel, p. 12; LCI, p. 12.

In all events, the ILEC's claim[11] that the definition of discrimination is essentially a matter of contract cannot be correct. These assertions boil down to the proposition that a particular level of performance by an ILEC for two CLECs could be discriminatory for one of those competitors but not for the other. This is nonsense. Two CLECs may, of course, seek to negotiate different *remedies* for the same level of ILEC performance disparity, depending, for example, on their primary market entry strategies or on the other terms and conditions they have been able to negotiate. The type or level of the remedy, however, does not affect the factual determination of whether an ILEC's performance is discriminatory.

Finally, because of the disparate negotiating power of the ILEC compared to the CLECs, the negotiations process has proven inadequate to produce performance measurements sufficient to monitor for and detect discrimination. For example, the Washington UTC (p. 5) recognizes that standards adopted in individual contracts or interconnection agreements "may be discriminatory." Similarly, the Georgia Commission recently found that it "cannot rely on the

---

[11] E.g., Ameritech, pp. 9-11; BellSouth, p. 3; SBC, p. 2; GTE, p. 4.

negotiation process exclusively at the present time to develop adequate performance measurements."[12]

The generic activities that ILECs must perform to provide CLECs with nondiscriminatory access to network elements and resale services are also extremely similar, regardless of where they are provided. This is particularly true where an ILEC has developed common OSSs across its region. Thus, there is simply no basis for GTE's (p. 3) assertion that individual States are in the best position to decide separately which performance measurements and reporting formats will adequately disclose whether ILECs are discriminating against CLECs. Moreover, as described in Part II below, there is significant consensus on the appropriate performance measurements. Thus, the Commission is in a unique position to foster uniformity across the country by adopting a minimum national set of performance

---

[12] Performance Measurements for Telecommunications Interconnection, Unbundling and Resale, Docket No. 7892-U, Order, p.13 (issued May 6, 1998). See also Consideration of BellSouth Telecommunications, Inc.'s Entry into Interlata Services Pursuant to Section 271 of the Federal Telecommunications Act of 1996, Florida Public Service Commission, Docket No. 960786-TL, Memorandum, p. 145 (issued October 22, 1997). ("Staff agrees with AT&T's argument that these [interconnection agreement] measurements are simply what BellSouth is obligated to deliver in the absence of actual comparative data. Staff believes that these standards and measurements are inadequate in detecting discrimination since they were designed simply to monitor contract compliance and to allow AT&T market entry").

measurements and reporting rules that can be used to determine ILEC compliance with the statutory requirements.[13]

It is also important to note that the performance measurement proposals advanced by AT&T do not ask the Commission to set absolute performance standards, particularly standards that would require an ILEC to provide CLECs with a different level of service than that which prevails today. Instead, AT&T (pp. 38-39) urges the Commission to review carefully the activities that ILECs perform today, so that appropriate ILEC measurements can be developed to compare against the performance they provide to new entrants.

Indeed, AT&T (pp. 45-46) generally argued against the establishment of arbitrary performance bogies for CLECs, which do not (and cannot) measure parity, except for the few limited cases where it might be impossible to develop a comparable ILEC retail (or internal) analog. This, of course, leaves the States free to set more stringent performance requirements for ILECs if State authorities believe that the service an ILEC provides to all its

---

[13] AT&T, p. 15; LCI, p. 5; MediaOne, pp. 9-10; Sprint, pp. 3-5.

customers, both retail and wholesale, is inadequate to serve the public interest.[14]

Nor is AT&T's proposal unduly burdensome, especially in light of the critical pro-competitive purposes of Section 251(c). Virtually all of the data AT&T requests can be collected in an automated manner. Moreover, in cases where it may be too difficult for an ILEC to measure its own performance for itself on a monthly basis, AT&T (p. 44) proposed a method that would allow the ILEC to develop a reasonable view of its performance through the use of special studies that could be used to determine parity. Thus, the process AT&T proposes can effectively be used to determine whether the ILEC is complying with the statutory requirement.

Finally, ILECs, especially BOCs, have the burden to show they are in compliance with their basic statutory obligations. Costs of demonstrating such compliance typically reside with the carrier.[15] Thus, USTA's (p. 2) claim that ILECs should be entitled to "full cost recovery" for such items should be rejected.

---

[14] See, e.g., AT&T, p. 6; LCI, p. 5; Sprint, p. 5.

[15] E.g., Automated Reporting Management Information System (ARMIS) Reports; Cost Allocation Manual (CAM) Filings and Universal Service Fund Form 457 Reports.

II. The Commenters Generally Agree On The Performance Measurements Proposed In The Notice.

There is little dispute in the comments that the Notice identifies the correct areas for measurement. The State commenters agree with the Ohio Commission (p. 4) that the Commission has "put[] together a comprehensive proposal that touches upon all aspects of the ILECs' OSS functionality which will be utilized by the new carriers."[16] Similarly, the new entrant commenters agree with AT&T (p. 18) that, with a few additions, the performance measurements identified in the Notice provide an excellent foundation for achieving the Commission's goals in this proceeding.[17] Thus, for example, both LCI (p. 1) and CompTel (p. 1), whose petition began this proceeding over a year ago, commend the Commission's proposals on performance categories. WorldCom (pp. i-ii), Sprint (p. 5), MCI (p. 8), TCG, (p. i), TRA, p. 16 and ALTS (p. i) also generally support the Commission's proposed measurement categories.

Indeed, with only a few exceptions, the large ILEC commenters also endorse the Notice's tentative conclusions

---

[16] See NYPSC, p. 1 (Commission's proposed requirements are generally consistent with the New York interim guidelines); Texas PUC, pp. 2-7 (generally supporting Notice's proposed measurements).

[17] In particular, AT&T (pp. 19-20) showed the importance of adding performance measurements relating to billing accuracy. See also KMC/RCN, p. 16; MCI, p. 9; TCG, p. 12.

on performance measurements. As Attachment 1 shows, the ILECs submitting detailed comments on the specific proposals in the Notice support the vast majority of the performance measurements proposed by the Commission.[18] Moreover, in many cases in which some ILECs oppose a particular measure, an equal number (or more) ILECs support it. Thus, for example, even though SBC (p. 13) opposes a percent due date missed measure for 911 updates, both Ameritech (p. 50) and BellSouth (p. 25) support such a measure. Similarly, BellSouth (p. 14) and Bell Atlantic (Ex. A-7) oppose the use of an average time to answer OS/DA calls, but SBC (p. 19) and Ameritech (p. 68) support it. Support of a measurement by one or more ILECs clearly demonstrates that such information is useful and that it would not be unduly burdensome to obtain.[19]

---

[18] U S WEST, which did not submit detailed comments, nevertheless acknowledges (pp. 6-7) that it has agreed to work with CLECs in many states to develop performance measurements based on the LCUG framework, and that such efforts "have proven successful, from U S WEST's perspective." See also GTE, p. 8 ("GTE generally supports these proposals and believes that the Commission has struck a fair balance between producing information needed by CLECs and state commissions while limiting the burden on ILECs").

[19] Other examples include percent blockage on interconnection trunks (Ameritech (pp. 68-69) opposes but BellSouth (pp. 30-31) and SBC (pp. 19-20) support) and support center average response time (Bell Atlantic (Ex. A-6) opposes but Ameritech (p. 66) and SBC (p. 18) support).

In four areas, i.e., average jeopardy interval, percentage of orders given jeopardy notices, average submissions per order and average coordinated customer conversion interval, ILECs oppose the adoption of performance measurements. However, each of these measurements is supported by a clear pro-competitive purpose and should be required.

The first two measures provide information on jeopardies. Such information is important to determine whether CLECs are obtaining equivalent installation intervals and performance compared with the ILEC. This information is particularly critical, because CLECs must have jeopardy information in order to proactively notify customers about potential service delivery problems, or the need to modify due dates. Without timely access to such information, CLECs will be unable to establish a reputation for reliability and responsive customer service.[20]

The average submissions per order measurement will help to determine whether the ILEC's OSS are processing orders as

[20] For example, if an ILEC misses a promised due date, or if an ILEC technician misses a customer premises visit appointment, and the ILEC provides the CLEC with no (or late) notification, the CLEC's customer service group is likely to receive a call from an irate retail customer and have absolutely no information to respond.

efficiently for CLECs as they are for the ILEC retail operation. This is important to assure that CLECs are not bearing unnecessary expense and that CLEC customers are being served at parity.

Finally, the time for coordinated cutovers is critical to determine whether CLECs that use unbundled network elements are able to move customers to their service in a nondiscriminatory and commercially reasonable manner. Customers who elect to switch their local service from the ILEC to a CLEC will not tolerate significant downtime or inconvenience. Thus, it is important to have an accurate measure of the time ILECs take to perform such functions, in order to assure that customers will not be improperly discouraged from switching to carriers that must use the ILEC's loop facilities.

III. Additional Disaggregation Is Necessary To Provide An Accurate Assessment Of ILECs' Performance.

AT&T's comments (pp. 22-38) show that, in order to provide meaningful comparisons, ILEC performance measurements should be subject to additional disaggregation. Depending on the specific measurement, it may be appropriate to disaggregate performance data based on the product involved, the work activity needed to fulfil a CLEC's order, the geographic location in which the work is performed, or the complexity or size of the job. Contrary to Ameritech's (p. 11) claim, however, AT&T is not arguing for a "near

infinite [number of] permutations" of measurements. AT&T seeks only to establish data disaggregations that will effectively measure whether the ILEC is performing at a parity level for CLECs.

Many CLEC commenters agree with AT&T on the importance of providing data at an appropriate level of detail. For example, MCI (pp. 15-16) states "[t]he measurements suggested by the Commission are not sufficiently disaggregated and will not provide CLECs the ability to make meaningful determinations about the quality of performance received. . . . Without sufficient disaggregation, competitive LECs have no ability to guard against potentially devastating discrimination." Thus, MCI (id.) agrees that additional product, geographic and other types of disaggregation are necessary.[21] Even SBC directly supports AT&T's (pp. 34-38) position on geographic disaggregation. SBC (p. 3) states that where processes such as provisioning are managed at a sub-state level, producing

[21] See also KMC/RCN (p. 5) (data aggregations "mask discrimination and render [performance] reports nearly useless"); GST, pp. 10-11 (dissaggregation "is essential to identifying ILEC discrimination"), Texas PUC, p. 3 (dissagregation is "necessary to ensure the collection of meaningful results").

reports "at a region or market area will permit evaluation of the variances that may occur due to region uniqueness."[22]

In contrast, other ILEC commenters generally seek to restrict the need to disaggregate data on their performance. The Commission should reject such proposals, because they do not support the pro-competitive goals of the Act. In addition, in many cases the proposals themselves are poorly defined. Thus, for example, AT&T opposes Bell Atlantic's (Ex. A-1) efforts to aggregate data on all pre-ordering transactions other than customer service record retrieval. Indeed, Bell Atlantic's proposal is in direct conflict with Ameritech's (pp. 24-26) proposal that pre-ordering query results should receive additional disaggregation based on the type of interface used (real-time vs. batch processing).

The Commission should also reject ILEC proposals that would eliminate the need for them to capture interval measurements with date and time detail.[23] The ILECs'

---

[22] See also Washington UTC, p. 8 ("in many cases, both service availability, repair response and service quality differ significantly between rural and metropolitan areas. Therefore, a competitor in a high density area should be compared with other metropolitan area results"); Ohio PUC, p. 5 ("the more localized the geographic level of reporting is, the more ability there is to determine whether a carrier is operating in a nondiscriminatory manner in a given market").

[23] E.g., SBC, pp. 7-8 and BellSouth, p. 22 (eliminate detail for average completion interval and due date missed); Ameritech, p. 80 and BellSouth, p. 31 (eliminate detail for collocation measurements).

opposition in these cases principally relates to their purported inability to capture information at the level of detail of day, hours and minutes. Gateway systems, however, can date and time-stamp receipt of CLEC orders, and they can also date and time-stamp when completion notifications are returned to CLECs.

ILECs have only claimed that they do not now capture the necessary detail; they have not claimed that it is technically infeasible to do so.[24] The Commission should also note that none of the ILECs has submitted any evidence that such modifications would require extensive work to implement. Therefore, ILECs should be required to provide this kind of information and detail regarding CLEC orders.[25] At a minimum, such information is necessary to validate the ILEC's reported performance and to determine whether CLECs are receiving commercially reasonable support.

To the extent ILEC legacy systems do not currently capture and store such information for activities where expected performance intervals are typically fractions of

---

[24] See Ameritech, p. 16; BellSouth, p. 16; GTE, p. 5.

[25] Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, CC Docket No. 96-98, First Report and Order, FCC 96-325 (rel. August 8, 1996), ¶ 198 ("[w]e further conclude that the obligations imposed by sections 251(c)(2) and 251(c)(3) include modifications to incumbent LEC facilities to the extent necessary to accommodate interconnection or access to network elements").

days or less (intervals that are not just restricted to ordering activities), the ILEC also has the option, for its own results, to modify the legacy system. Alternatively, as AT&T (p. 44) suggested, the ILEC could periodically perform a special study that provides data on its own performance. This would obviate the need to track such performance on a monthly basis.

Contrary to the views of some ILECs,[26] exceptions to the requirement to capture actual date and clock time for starting and completing intervals should never be granted for short-duration activities such as software-only change orders and order statusing activities such as FOC, rejection, jeopardy or completion notice intervals. Any such exceptions are unwarranted. The potential unsatisfactory outcome, if actual date and clock time is not captured, can be illustrated by examining software-only changes. If only the completion date is captured, and if the ILEC completes its own orders within an hour but completes the same type of orders for CLECs within 35 hours, the results for both would be reported as "one day," even though the CLEC interval is thirty-five times longer.[27]

---

[26] Ameritech, p. 31; Bell Atlantic, Ex. A-3; SBC, p. 8.

[27] Other proposed ILEC exclusions should also be rejected, because they will make if more difficult for the performance measurements to detect discrimination. For example, some ILECs suggest that non-electronically submitted orders

(footnote continued on next page)

Most of the ILECs' proposed modifications to the measurement definitions should also be rejected, either because they are vague or because they lack a clear rationale. For example, Ameritech proposes numerous, often subtle changes to the definitions in the Notice, but the purposes of such changes are unclear. In one case, Ameritech (App., p. 7) uses the term "rejected FOC" in the numerator of the measurement specified for the Reject Interval. However, that term is not generally recognized in industry parlance. If adopted, this change could have the result of limiting the general measurement -- which should

---

(footnote continued from previous page)

should be excluded from ordering measurements (e.g., BellSouth, pp. 23-24) and that the provisioning measurements exclude instances in which the customer is not ready, no access is obtained, and customers request a due date beyond the standard intervals (Ameritech, p. 32; Bell Atlantic, Ex. A-3; SBC, p. 8). Similarly, some ILECs suggest that maintenance measurements exclude cases of CPE troubles, instances where there is no trouble found, IXC referred troubles and troubles with interconnection trunks. In order to exclude such results, however, an ILEC must be capable of monitoring and noting the condition the ILECs seek to exclude. Instead of excluding such data, this argues in favor of simply disaggregating the results. Moreover, many of the reasons cited for exclusion are subject to broad interpretation, and the classification of such cases is highly discretionary. Therefore, rather than excluding such results, the conditions should be reported separately, permitting a determination whether there is any evidence of discrimination. In all events, no commenters have set forth any factual data demonstrating that the items proposed for exclusion impact the overall result, nor have they demonstrated that ILECs are more adversely impacted than CLECs by the inclusion all data.

apply to the rejection of any order identified within the Notice -- so that it applies only to rejects generated by the ILEC legacy system. This ignores an entire category of reasons for rejects, namely those resulting from syntax errors. The Notice (¶ 60) specifically recognizes this type of reject, and includes syntax rejects in its description of the reject timeliness measurement. Syntax rejects occur before the order even reaches the ILEC legacy system, and they have the same potential to cause order processing delays as content rejects from the ILEC legacy system. Thus, language changes that would exclude either type of reject from the reject timeliness measurement would result in an incomplete comparison.

Another example of Ameritech's proposed modifications is its (App., pp. 7,9) insertion of the phrase "made available to the TC" into the numerator of the definition of the Reject Interval and the FOC Interval. Again it is not clear what Ameritech means by either "made available" or "TC," or why such modifications would be appropriate. In addition, rather than accepting the clear definition of "Percentage of Order Flow Through" reflected in the Notice (¶¶ 71-74, and App. A, Section II.F.1), Ameritech (pp. 45-46) proposes vague alternative language whose purpose is not clearly explained. That proposal should also be rejected.

Ameritech's proposals are in stark contrast to AT&T's (p. 28) request that the Commission clarify the term "dispatch" when it is used in connection with provisioning and maintenance functions.[28] AT&T showed that there are two different types of physical work that are sometimes needed in such situations: "outside" dispatches, for which the ILEC must send a technician to perform work outside the central office; and "inside" dispatches, for which an ILEC technician must perform work on the main distribution frame or elsewhere within the central office. Both of these situations are very different from cases in which the ILEC's work is accomplished entirely through the use of software changes. Thus, it would be inappropriate to compare software-only changes to changes that require the use of either type of dispatch.

IV. Appropriate ILEC Analogs Must Be Established

Many commenters support AT&T's (pp. 38-42) view that reliable performance parity comparisons cannot be made unless there are appropriate ILEC analogs established for

---

[28] AT&T concurs with Ameritech (pp. 38-39) that order status measurements need not be disaggregated by dispatch and non-dispatch. The time to provide such information is not likely to be significantly impacted based on this factor. On the other hand, order complexity will likely influence order statusing. Therefore, the product disaggregation aspects of this measure should be retained, and possibly expanded.

the activities ILECs will perform for CLECs. For example, MCI (p. 2) states that it "firmly believes that for each performance measurement proposed by LCUG, there is a retail analog."[29]

This problem is most acute when CLECs purchase unbundled network elements from an ILEC. However, at least two RBOCs, Bell Atlantic and SBC, have agreed to use retail analogs for UNEs in some circumstances. In a collaborative proceeding in New York, Bell Atlantic agreed to interim guidelines that specify ILEC retail analogs for specific UNEs.[30] For example, Bell Atlantic agreed that the "Completion Interval" for UNE POTS, which includes the elements of Basic Link, Analog Line Port, NID, House & Riser and any combination (but excluding designed services) should be compared against the interval for its own "POTS Retail Services." Similarly, SBC has stated that it will compare measurements for UNE loop and switching combinations with measurements from SBC's retail operations.[31] These examples

---

[29] See also TCG, P. 2.

[30] Proceeding on Motion of the Commission to Review Service Quality Standards for Telephone Companies, NYPSC, Case No. 97-C-0139, Order Approving Interim Guidelines for Carrier-to-Carrier Performance Standards and Reports (issued March 16, 1998). ("Interim Guidelines")

[31] Testimony of Pat Cowlishaw, Hearing on the Merits in Project No. 16251, Investigation of Southwestern Bell Telephone Company's Entry into the Texas Interlata Telecommunications Market, April 23, 1998, p. 1244.

validate AT&T's demonstration that reasonable comparisons can be developed in almost all cases.

In addition, Ameritech (pp. 39-40) proposes some ILEC "winback" activities would be appropriate analogs for certain interface-related measurements, including rejects. This concept could be expanded to incorporate ILEC activities for UNEs such as loops. If the activities an ILEC will perform to win a customer back from a CLEC are similar to those it must perform to switch the customer to a competitor, this may also be a fruitful source of ILEC analogs.[32] In all events, AT&T (pp. 40-41, Attachment F) shows that analogs do in fact exist in virtually all cases and that ILECs should bear a heavy burden to show the absence of any reasonably comparable activity.

V. Statistical Tests

There is substantial agreement among the commenters that statistical tools should be used to assure that ILEC performance results are reliable. AT&T (pp. 47-57, Attachment G (Affidavit of Dr. Colin Mallows)) demonstrated two different ways statistical tests should be used. First, statistical analysis should be used to determine whether

---

[32] Even if the ILEC activity to return a customer to its own service are somewhat less extensive than the work to switch the customer to a CLEC, considerations of competitive parity argue in favor of applying the winback activity as the appropriate analog for these purposes.